

Harsh, Chad

From: Friday, April 10, 2015 2:41 PM
Sent: Cruz, Francisco
To: Trulear, Brian; Price-Fay, Michelle; Harsh, Chad; MacKnight, Evelyn
Cc: request for EPA NPDES enforcement
Subject: 2015 04 10 request for EPA NPDES enforcement.pdf; 2014 10 07 Comment on Application 1009338 PN 1101760.pdf; 2014 12 25 public comment application 1008457 NPDES 0080044 CSMO 1100044.pdf; 2015 01 11 complaint to OSM.pdf; January 21 2015 to OSM complaint follow up.pdf; TER - 2-12-14.pdf
Attachments:

Mr. Cruz,

As a follow up to past phone conversations, I am sending a request for EPA enforcement. Please see attached file, *2015 04 10 request for EPA NPDES enforcement*.

I am wondering what happened to the request I sent to you and Mr. Trulear on February 25th. I wasn't looking for anything detailed - just a general statement. I would like to use it in support of an informal review request to OSMRE. If EPA prefers to decline to provide a response, please let me know this.

Have a good weekend.

Thank you.

Harsh, Chad

From:
Sent: Thursday, June 18, 2015 10:11 PM
To: Harsh, Chad
Subject: request for enforcement, additional information
Attachments: 2013 RR 1101401 water map.pdf; 2015 01 11 complaint to OSM.pdf; 2015 RR 1101401 water map.pdf; 2015 RR response to TDN.pdf; 1101401RedRiverallthrough1stquarter2014.xls; 1101401RedRiverwith 2ndquarter2014.xls

Chad,

Thanks for taking the time to talk to me today. I recognize you are busy, and probably with more pressing issues, but I hope you can understand why I think this is an important. This is not just about a couple Red River permits. The opinion held by VA DMLR and OSM, that underdrains are not point sources, has the potential to have serious ramifications for any effort to protect or restore water quality.

EPA NPDES permitting staff declined to provide a statement of policy regarding this issue which is part of the reason I sent in a formal request for enforcement. Enforcement action would be helpful in establishing that if 1) an underdrain discharge contain pollutants (in this case high TDS, identified in an approved TMDL as a stressor causing benthic impairment) and 2) the discharge flows into waters of the U.S., then the underdrain discharge should be subject to NPDES permitting.

I am sending additional information only on PN 1101401, the permit with which I am most familiar because it is adjacent to and includes my property. I haven't been able to follow up on what has gone on with the other two Red River permits.

See **2015 01 11 complaint to OSM.pdf** for summary of situation on this permit. I have discussed these issues with Mr. Cruz for the past year with no indications that anything would be done. So I thought I might be able to resolve these issues with a citizen's complaint to OSM. That didn't work.

See **2015 DMLR response to TDN.pdf**. OSM accepted DMLR's response regarding the unpermitted underdrains as appropriate and shares DMLR's view that underdrain discharges are not point sources, just groundwater monitoring points.

I only have a paper copy of OSM's response to me which states:

"Your assertion that hollow fill under drains are point sources requiring NPDES permits is not consistent with the implementation of Virginia's approved program. Ground water monitoring points are not required to comply with the NPDES standards. DMLR routinely meets and coordinates with the Environmental Protection Agency to ensure their NPDES program is constant with Federal guidelines. DMLR is unaware of any Environmental Protection Agency policy revisions related to ground water monitoring points being required to meet NPDES standards."

See **2013 RR 1101401 water map.pdf** for geographic info on locations of hollow fills, under drains, ponds, NPDES discharges, blue line streams.

See **2015 RR 1101401 water map.pdf** that reflects pond removal and the deletion or moving of outfalls to ponds above hollow fills and associated underdrains..

See *1101401RedRiverallthrough1stquarter2014* and *1101401RedRiverwith 2ndquarter2014* for water monitoring data.

If there is additional information that is needed, please let me know.

And if you conclude that enforcement action is not warranted, based on the information I have provided, please let me know why.

Thank you,

Harsh, Chad

From: Tuesday, July 20, 2015 4:21 PM
Sent: Harsh, Chad
To: Price-Fay, Michelle; Trulear, Brian; Cruz, Francisco
Cc:
Subject: request for enforcement follow up

Chad,

I spoke with you about 6 weeks ago about a request for enforcement I sent the EPA in early April. I then sent you relevant documentation that you stated would be helpful in the consideration of that request.

I am writing to follow up.

Has EPA taken any action to address the issues in my request: 1. unpermitted point source discharges from an active coal mine, 2. improper moving of NPDES points, and 3. failure to follow public participation guidelines?

If not, and the EPA plans to take no action, could you please inform me of this? I will try some other means to address these issues.

Thank you.

Harsh, Chad

From:
Sent: Sunday, October 04, 2015 9:00 PM
To: Harsh, Chad
Subject: RE: Red River Coal

Will you be available for a call late afternoon, one day this week?

From: Harsh.Chad@epa.gov
To:
Subject: Red River Coal
Date: Fri, 2 Oct 2015 18:10:35 +0000

Hi

I just tried to call you and there was no answer or ability to leave a message. Feel free to call me at 215-814-2633.

chad

Harsh, Chad

From:
Sent: Wednesday, October 07, 2015 6:20 PM
To: Harsh, Chad
Subject: RE: Red River Coal

I'll try to give you a call shortly after 4 tomorrow/Thursday. If I don't reach you, can you give me a time on Friday when you'll be available?

Thanks,

From: Harsh.Chad@ena.com
To:
Subject: Red River Coal
Date: Fri, 2 Oct 2015 18:10:35 +0000

Hi ..

I just tried to call you and there was no answer or ability to leave a message. Feel free to call me at 215-814-2633.

chad

Harsh, Chad

From:
Sent: Thursday, October 08, 2015 8:18 AM
To: Harsh, Chad
Subject: RE: Red River Coal

Since its probably not a good idea to talk when you are wanting to go home, I'm going to try to call you ~2.

From: Harsh.Chad@epa.gov
To:
Subject: RE: Red River Coal
Date: Thu, 8 Oct 2015 11:16:34 +0000

I generally leave a little after 4, but you can try today. If not I will call you Friday morning.

Chad

From:
Sent: Wednesday, October 07, 2015 6:20 PM
To: Harsh, Chad <Harsh.Chad@epa.gov>
Subject: RE: Red River Coal

I'll try to give you a call shortly after 4 tomorrow/Thursday. If I don't reach you, can you give me a time on Friday when you'll be available?

Thanks,

From: Harsh.Chad@epa.gov
To:
Subject: Red River Coal
Date: Fri, 2 Oct 2015 18:10:35 +0000
h.

I just tried to call you and there was no answer or ability to leave a message. Feel free to call me at 215-814-2633.

chad

